



Docket No.: 122.1460

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Tooru MURAOKA et al.

Serial No. 09/915,578

Group Art Unit: 2832

Confirmation No. 8188

Filed: July 27, 2001

Examiner: Kyung S. Lee

For: PANEL-TYPE PERIPHERAL DEVICE AND METHOD OF PRODUCING THE SAME

COMMENT ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The Examiner provided a Statement of Reasons for Allowance in the Notice of Allowability. Applicants provide the following Comment thereon, in accordance with 37 CFR 1.104(e) and MPEP 1302.14.

As specified in MPEP 1302.14, "care must be taken to ensure that such reasons are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims." It is submitted that the Examiner's Statement does not meet these standards and, instead, raises "possible misinterpretations...and possible estoppel effects" (MPEP 1302.14) and, accordingly, should be disregarded.

It is respectfully submitted that the Examiner's Statement implies an unduly narrow scope of the allowed claims and, further, is confusing. For example, in the second sentence, the second line recites that:

Current invention claims a touch panel device.

To the contrary, none of the independent claims recites a "touch panel..."; instead, that limitation appears only in dependent claims 8, 15, 16, 23 and 24.

Furthermore, the Statement at line 4 recites "Spacers in the gap..." but there is no recitation of a "spacer" (or "spacers") in any of the claims. Further, line 4 of the Statement refers to "an upper conductive film..."--but the term "upper" does not appear in any of the

claims. It also follows that the further assertion that "a liquid material is filled and sealed... around the spacers" does not appear in any claim recitation.

Further, the Examiner's Statement is confusing in referring to "The claimed method thereof, in combination with claimed limitations of claims 1, 10, or 17..." and, likewise, "The claimed structure, in combination with claimed limitations of claim 25..." is confusing. For example, claims 1, 10, and 17 are the independent method claims-- rendering it altogether unclear how the "claimed method" is to be read "in combination with claimed limitations..." of those same claims. In like fashion, it is unclear how the "claimed structure" is to be read "in combination with claimed limitations of claim 25...."

It is submitted that the claims are not constrained by such limitations as may be implied from the Examiner's Statement, as are noted above, and, instead, that the claims speak for themselves as to what features are included therein and thus are their own best evidence as to the reasons for allowance of same.

Respectfully submitted,

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Date: October 31, 2003

By: _____


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